

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS  
BEING DEPOSITED WITH THE UNITED STATES POSTAL  
SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE  
ADDRESSED TO: ASSISTANT COMMISSIONER OF PATENTS  
AND TRADEMARKS, WASHINGTON, D.C. 20231, ON THE  
DATE INDICATED BELOW.



Attorney for Applicant

November 29, 2001  
DATE OF SIGNATURE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of: Dr. Donald G. Russell )  
on: AN INTERMEDIATE ) Group Art Unit: 2876  
DENSITY MARKER AND A )  
METHOD USING SUCH A ) Examiner: Craig E. Church  
MARKER FOR )  
RADIOGRAPHIC )  
EXAMINATION )  
Serial No.: 09/372,835 )  
Filed On: August 12, 1999 ) (Docket No. 054630.0005)

Dated at Hartford, Connecticut, this 29th day of November 2001.

Commissioner for Patents  
Washington, D.C. 20231

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Dear Sir:

Applicant hereby appeals to the Board from the decisions of the Primary Examiner,  
mailed August 29, 2001 finally rejecting Claims 20-61.

The item(s) checked below are appropriate:

**1. FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 CFR 1.17(b), the fee for filing the Notice of Appeal is:

01/14/2002 SLUANG1 00000044 09372835

01 FC:219

160.00 OP

☒ small entity \$160.00  
☐ other than a small entity \$300.00  
Notice of Appeal Fee Due: \$ 160.00

### 3. EXTENSION OF TERM

NOTE: *The time periods set forth in 37 CFR 1.191 are subject to the provision of §1.136 for patent applications. 37 CFR 1.191(d). (But see 37 CFR 1.645 for extension of time in reference proceedings and 37 CFR 1.550(c) for extension of time in reexamination proceedings).*

(complete (a) or (b), as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

- (a) ☐ Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

	Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/>	one month	\$ 110.00	\$ 55.00
<input type="checkbox"/>	two months	\$ 380.00	\$ 190.00
<input type="checkbox"/>	three months	\$ 870.00	\$ 435.00
<input type="checkbox"/>	four months	\$1,360.00	\$ 680.00
<input type="checkbox"/>	five months	\$1,850.00	\$ 925.00
		Fee	\$ <u>0.00</u>

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured. The fee paid thereafter of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 0.00

or

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

### 4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee	\$ <u>160.00</u>
Extension fee (if any)	\$ <u>000.00</u>
TOTAL FEE DUE	\$ <u>160.00</u>

### 5. FEE PAYMENT

- ☒ Attached is a check in the sum of \$ 160.00  
☐ Charge Account No. 50-1631 the sum of \$ \_\_\_\_\_

A DUPLICATE OF THIS TRANSMITTAL IS ATTACHED.

6. FEE DEFICIENCY

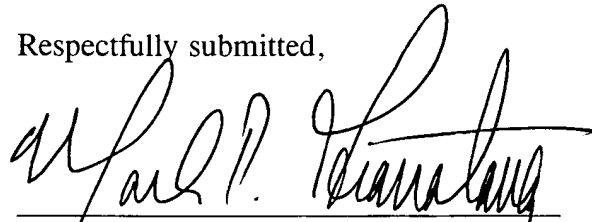
NOTE: *If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the case. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.*

☒ If any additional extension and/or fee is required, charge to  
Account No. 50-1631.

AND/OR

☒ If any additional fee for claims is required, charge to  
Account No. 50-1631.

Respectfully submitted,



Mark D. Giarratana, Reg. No. 32,615  
Attorneys for Applicant

Date: November 29, 2001

CUMMINGS & LOCKWOOD

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